

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Planning Aide
DATE: December 17, 2008

**SUBJECT: TEMPORARY USE PERMIT NO. 2008-006 (JACK'S SURFBOARDS
OUTDOOR SIDEWALK SALES)**

LOCATION: 101 Main Street, 92648 (northwest corner of Main Street and Pacific Coast Highway– Downtown Huntington Beach)



Applicant: Ron Abdelfattah, 7575 Reynolds Circle, Huntington Beach, CA 92647

Property Owner: Ron Abdelfattah, 7575 Reynolds Circle, Huntington Beach, CA 92647

Request: To permit outdoor sidewalk sales for fifty (50) days per year for a period of five (5) years from 2009-2013.

Environmental Status: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

Zone: SP5-3-CZ (Downtown Specific Plan – District 3 – coastal zone)

General Plan: MV-F12-sp-pd (mixed use vertical – 3.0(MU)maximum dwelling units per acre/35 du/ac)

Existing Use: Sidewalk in front of Retail



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

- c. Canopies and displays shall be identified and dimensioned in location, size, colors, and materials utilized.
2. Prior to commencement of the use each year, the following shall be completed:
 - a. A revised site plan in compliance with Condition No. 1 shall be submitted to the Planning Department for review and approval.
 - b. A schedule (dates) for temporary sidewalk sales events to occur in that year shall be submitted to the Planning Department for review and approval 10 days prior to commencement of the use each year.
3. The Temporary Use Permit shall permit outdoor sales/display events subject to the following limitations:
 - a. 5 years maximum per permit
 - b. 50 days maximum per calendar year
 - c. 10 consecutive days maximum
4. The use shall comply with the following:
 - a. The outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way shall be prohibited.
 - b. The sales area shall be cordoned off along the property line with a minimum 36" high barrier with intermittent openings as necessary for customer access.
 - c. A four-foot wide clearance shall be maintained around all merchandise displays.
 - d. A ten-foot wide clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - e. All required exists and access ways to the tenant space, as determined by the Building & Safety Department (BD) shall be maintained clear and free of obstructions. The minimum required access width shall be 48 inches. Required pathways for patron and disabled access shall be maintained clear of obstructions. **(BD)**
 - f. All overhead obstructions shall be a minimum of 80 inches above the walking surface.
 - g. Furniture pieces shall weigh less than 35 pounds each. **(BD)**
 - h. All sales transactions shall occur inside the store.
 - i. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - j. Line formations within the public right-of-way shall be prohibited.

- k. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
 - l. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment.
 - m. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered and aesthetically pleasing condition, and present a family-friendly atmosphere.
 - n. All outdoor displays, associated furnishings and accessories, including but not limited to display tables, table cloths/skirts, cashier stations, canopies and employee uniforms, shall be color coordinated.
 - o. No sign(s) shall be posted outside of the designated display area or on the public art installation.
 - p. All display tables shall be skirted and all boxes and storage containers shall be concealed from view.
 - q. Awnings, canopies or other equivalent shade cover, as determined by the Zoning Administrator, shall be required for all outdoor sales/displays.
 - r. All signage shall be uniform per business in design, color(s), placement, etc. and professional in appearance.
 - s. After initial warnings, Code Enforcement staff may order immediate cessation of any temporary outdoor sales event operating in violation of the conditions of approval of the Temporary Use Permit.
5. Outdoor sales event dates shall be coordinated per calendar year to coincide with outdoor sale events of similar businesses along Main Street and Pacific Coast Highway.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.